

REMARKS

Applicant submits this Amendment After Final in reply to the Final Office Action mailed June 4, 2004. As an initial matter, Applicant gratefully acknowledges the Examiner's indication of the allowance of claims 1-2, 4-9, and 11-42 and the allowability of the subject matter of claims 48-50.

In this Amendment, Applicant has amended the specification, amended Figs. 1 and 9, cancelled claims 48 and 51, without prejudice or disclaimer, and amended claims 43, 49, and 50 to further define the claimed invention. Claims 1, 27, 32, 38, 39, 40, 41, and 43 are the sole independent claims.

Before entry of this Amendment, claims 1-2, 4-9, and 11-51 were pending in this application. After entry of this Amendment, claims 1-2, 4-9, and 11-47, and 49-50 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claims 43, 49, and 50. No new matter was introduced.

Applicant has rewritten independent claim 43 to include the allowable subject matter of claim 48. It should be understood, however, that by rewriting claim 43 to include the subject matter of claim 48, Applicant is not acquiescing to the fact that the subject matter of independent claim 43, prior to amending, is unpatentable over the cited references. Nevertheless, in the interests of expediting the prosecution of this application, Applicant has rewritten independent claim 43 to include the subject matter of claim 48. Accordingly, Applicant asserts that independent claim 43 and its dependent claims are now in condition for allowance.

On page 2 of the Final Office Action, the Examiner objected to the specification. Applicant has amended the specification to obviate the objections set forth by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

On page 2 of the Final Office Action, the Examiner objected to the drawings, specifically Figs. 1 and 9. Applicant has amended Figs. 1 and 9 as set forth above. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

On pages 2-8 of the Final Office Action, claims 43-45 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,204,880 B1 to Nishimura et al. ("Nishimura"); claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura in view of U.S. Patent No. 6,396,645 B1 to Nakayama et al. ("Nakayama"); and claims 47 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura. Applicant has cancelled claim 51, without prejudice or disclaimer, and amended claim 43 to include the subject matter of claim 48 for the reasons set forth above, rendering the rejections moot.

Applicant respectfully requests that this Amendment After Final Under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-2, 4-9, and 11-47, and 49-50 in condition for allowance. Applicant submits that the proposed amendments of claims 43, 49, and 50 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were earlier claimed in the claims as examined. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment After Final, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Final Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Final Office Action.


In discussing the specification, claims, and drawings in this Amendment After Final, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final
and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 21, 2004

By: 
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Attachment: Two (2) Replacement Sheet including Figs. 1 and 9.